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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TRI-VALLEY CARES, MARYLIA KELLEY,)
JANIS KATE TURNER, and)
JEDIDJAH DE VRIES,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT OF ENERGY,)
NATIONAL NUCLEAR SECURITY)
ADMINISTRATION, LAWRENCE LIVERMORE)
NATIONAL LABORATORY,)
)
Defendants.)
_____)

Case No. 08-cv-1372-SBA

NOTICE OF LODGING
OF ADMINISTRATIVE RECORD
FOR FINAL REVISED
ENVIRONMENTAL
ASSESSMENT FOR PROPOSED
BSL-3 FACILITY AT
LAWRENCE LIVERMORE
NATIONAL LABORATORY

1 Defendants hereby lodge with the Court the Administrative Record for the Final Revised
2 Environmental Assessment for the Proposed Construction and Operation of a Bio-Safety Level 3
3 Facility at Lawrence Livermore National Laboratory.

4 The record is contained in eight (8) three-ring binders and, pursuant to General Order 45
5 Section VII, will be filed manually with the Court. See Exhibit 1 (Manual Filing Notification).
6 An index to the record is filed herewith. See Exhibit 2.

7 The Administrative Record is certified by DOE employee Samuel Brinker. His
8 declaration is attached. See Exhibit 3.

9 The record was provided to counsel for Plaintiffs, Robert J. Schwartz, via Federal
10 Express on this date.

11 Dated this 9th day of April, 2008.

12 Respectfully submitted,
13 RONALD J. TENPAS
Assistant Attorney General

14 /s/ Barclay T. Samford
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Plaintiffs,

v.

UNITED STATES DEPARTMENT OF ENERGY,
NATIONAL NUCLEAR SECURITY
ADMINISTRATION, LAWRENCE LIVERMORE
NATIONAL LABORATORY,

Defendants.

Case No. 08-cv-1372-SBA

MANUAL FILING
NOTIFICATION

MANUAL FILING NOTIFICATION

Regarding: Administrative Record for Final Revised Environmental Assessment for the Proposed Construction and Operation of a Bio-Safety Level 3 Facility at Lawrence Livermore National Laboratory

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office.

If you are a participant on this case, this filing will be served in hard-copy shortly.

For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

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☐ Item Under Seal

☐ Conformance with the Judicial Conference Privacy Policy (General Order 53).

☐ Other (description): _____

Dated this 9th day of April, 2008.

Respectfully submitted,
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AR119 US Food and Drug Administration, *Kinetics of Microbial Inactivation for Alternative Food Processing Technologies*, found on-line at www.cfsan.fda.gov , published June 2, 2000.

AR120 Whitney, Ellen A. Spotts, Mark E. Beatty, Thomas H. Taylor, Jr., Robbin Weyant, Jeremy Sobel, Matthew J. Arduino, and David A. Ashford, *Inactivation of Bacillus anthracis Spores*, Emerging Infectious Diseases, Volume 9, No. 6, June 2003.

AR121 Draft Revised Environmental Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Lawrence Livermore National Laboratory, Livermore, California, DOE/EA-1442R, March 2007

AR122 Final Revised Environmental Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Lawrence Livermore National Laboratory, Livermore, California, DOE/EA-1442R, January 2008

AR123 Revised Finding of No Significant Impact for the Biosafety Level 3 Facility at Lawrence Livermore National Laboratory, U.S. Department of Energy, January 2008

I, Samuel D. Brinker, state and declare as follows:

1. I am employed by the United States Department of Energy, National Nuclear Security Administration, as Assistant Manager for National Security Implementation at the Livermore Site Office. I have been in this position for approximately three years.

My previous position was as a project manager in the National Security Implementation Division, Livermore Site Office. My place of employment is the Lawrence Livermore National Laboratory, Livermore, California.

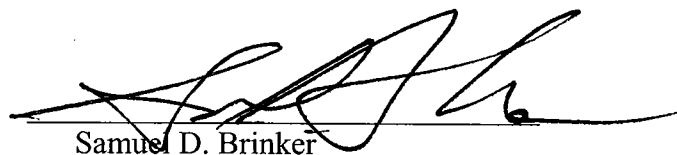
2. I make this declaration upon personal knowledge. If called upon to do so, I could testify competently as to its contents.

3. I supervised and coordinated the preparation of the Revised Environmental Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Lawrence Livermore National Laboratory, Livermore, California, dated January, 2008. I have reviewed the Environmental Assessment administrative record in the performance of my duties.

4. To the best of my knowledge and belief, the attached copy of the administrative record constitutes a true, correct and complete copy of the administrative record in this action. Each document is a true and correct copy of the original document in the administrative record.

5. To the best of my knowledge and belief, the attached index of the administrative record constitutes a true, correct, and complete index of the administrative record in this action.

6. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Livermore, California, this 3 day of April, 2008.



Samuel D. Brinker